

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EMUI L. CHOI (WVSBN 0722)  
3 Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)  
Assistant United States Attorney

5 150 Almaden Blvd., Suite 900  
6 San Jose, California 95113  
Telephone: (408) 535-5056  
7 FAX: (408) 535-5066  
Susan.Knight@usdoj.gov

8 Attorneys for Plaintiff  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION  
13

14  
15 \*E-FILED - 6/29/05\*  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 UNITED STATES OF AMERICA, )

2 Plaintiff, )

3 v. )

4 DANIEL ZUNIGA REYES and )  
5 DAVID LEON GARCIA, )6 Defendants. )  
7 \_\_\_\_\_ )

No. CR 05-00342 RMW

ORDER EXCLUDING TIME  
FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §§ 3161(h)(8)(A)  
& 3161(h)(8)(B)(iv))

8 On June 20, 2005, the parties appeared before the Court for an initial appearance. At the  
9 hearing, Assistant United States Attorney Susan Knight informed the Court that the government  
10 had recently turned over discovery and therefore, Peter Leeming, who represents defendant  
11 Garcia and Alex Reisman, who represents defendant Reyes, would need time to review it. In  
12 addition, Mr. Leeming explained that some of the discovery was in Spanish and would need to  
13 be translated into English. Therefore, the parties jointly requested that the case be continued  
14 until September 26, 2005 in order for effective preparation of both defense counsel and to  
15 accommodate their schedules. In addition, the parties stipulated and agreed that an exclusion  
16 under Speedy Trial Act from June 20, 2005 until September 26, 2005 was appropriate based on  
17 the defendant's need for effective preparation of counsel and for continuity of counsel.

18 SO STIPULATED.

KEVIN V. RYAN  
United States Attorney

19 DATED: \_\_\_\_\_

\_\_\_\_\_/S/\_\_\_\_\_  
SUSAN KNIGHT  
Assistant United States Attorney

20 DATED: \_\_\_\_\_

\_\_\_\_\_/S/\_\_\_\_\_  
PETER A. LEEMING  
Counsel for David Garcia

21 DATED: \_\_\_\_\_

\_\_\_\_\_/S/\_\_\_\_\_  
ALEX REISMAN  
Counsel for Daniel Reyes

22 Accordingly, the Court HEREBY ORDERS that a status hearing be scheduled for  
23 September 26, 2005 at 9:00 a.m.

24 ORDER TO EXCLUDE TIME  
25 CR 05-00342 RMW

1 The Court FURTHER ORDERS that the time between June 20, 2005 and September 26,  
2 2005 is excluded under the Speedy Trial Act. The Court finds that the failure to grant the  
3 requested continuance would deny the defendants effective preparation of counsel. The Court  
4 finds that the ends of justice served by granting the requested continuance outweigh the best  
5 interest of the public and the defendants in a speedy trial and in the prompt disposition of  
6 criminal cases. The Court therefore concludes that this exclusion of time should be made under  
7 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

8 IT IS SO ORDERED.

9  
10 6/29/05

Dated

/S/ RONALD M. WHYTE

RONALD M. WHYTE  
United States District Judge